

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LUIGY LOPEZ-DELGADO

Case No. 3:23-cv-00412-ART-CLB

Petitioner,

ORDER

v.

TIM GARRETT,

Respondents.

Pro se Petitioner Luigy Lopez-Delgado has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-1 (“Petition”).) Petitioner has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* (“IFP”). Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Petitioner states that “once [he] learns his case number, he will make arrangements to pay the \$5 filing fee.” (ECF No. 1-1 at 1.) This Court gives Petitioner 45 days from the date of this order to make those payment arrangements. However, in case Petitioner wishes to file an IFP application, this Court will instruct the clerk to provide Petition with a copy of the appropriate form and instructions.

1 It is therefore ordered that the initial screening of Petitioner Luigi Lopez-
2 Delgado's Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules
3 Governing Section 2254 Cases is deferred until such time as he has fully complied
4 with this order.

5 It is further ordered that within 45 days of the date of this order, Petitioner
6 must file an IFP application that includes a: (a) financial certificate signed by
7 Petitioner and an authorized prison official, (b) financial declaration and
8 acknowledgement signed by Petitioner, and (c) copy of Petitioner's inmate
9 account statement for the six-month period prior to filing. Alternatively, Petitioner
10 must pay the \$5 filing fee within 45 days. If Petitioner decides to pay the filing fee
11 from his inmate account, he must arrange to have a copy of this order attached
12 to the check for the filing fee. Petitioner's failure to timely comply with this Order
13 will result in the dismissal of the petition without prejudice and without further
14 advance notice.

15 It is further ordered that the Clerk of Court send Petitioner one blank copy
16 of the IFP application form for inmates along with instructions and two copies of
17 this order.

18 DATED THIS 25th day of August 2023.

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22 ANNE R. TRAUM
23 UNITED STATES DISTRICT JUDGE
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